

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN**

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STEVENS CONSTRUCTION CORP.,  
a Wisconsin Corporation,

Plaintiff/Counter Defendant, Case No. 04-C-1144

v.

CHICAGO REGIONAL COUNCIL OF  
CARPENTERS, UNITED BROTHERHOOD  
OF CARPENTERS & JOINERS OF  
AMERICA,

Defendant/Counter Plaintiff.

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**OPINION AND ORDER**

Based upon the findings of fact and conclusions of law set forth upon the record of this case after the conclusion of the trial to the court on October 24, 2005, the court ORDERS that the Defendant Chicago Regional Council of Carpenters, United Brotherhood of Carpenters & Joiners of America and its representatives, officers, agents, employees and attorneys and those persons in active concert or participation with them, is permanently enjoined from:

- a. Alleging Stevens Construction is bound by the 2004 Collective Bargaining Agreement.
- b. Arbitrating the Grievance.
- c. Filing or submitting to arbitration any dispute with Stevens Construction arising under or relating to the 2004 Collective Bargaining Agreement; and
- d. Threatening in writing, verbally, or in any manner, to

pursue claims against Sevens Construction arising under or relating to the 2004 Collective Bargaining Agreement.

IT IS FURTHER ORDERED that the Defendant's Counterclaims for orders:

- (a) compelling arbitration;
- (b) declaring that the Plaintiff must exhaust alternative dispute remedies; and
- (c) declaring that the Plaintiff failed to terminate the Collective Bargaining Agreement and the appointment of its bargaining agent in a timely manner

are dismissed upon their merits.

IT IS FURTHER ORDERED that the "Plaintiff/Counter-Defendant's Notice of Motion and Motion in Limine and Objections to Defendant/Counter Plaintiff's Trial Witnesses and Exhibits" (filed October 5, 2005) IS DENIED because it is moot. The witnesses and exhibits challenged were not introduced at trial.

IT IS FURTHER ORDERED that the Clerk of Court shall enter a final judgment as a separate document. See Federal Rule of Civil Procedure 58. This judgment shall provide that:

This action came on for trial before the court, the Honorable Thomas J. Curran, District Judge, presiding, and the issues having been tried to the court sitting without a jury, and a decision having been rendered,

IT IS ORDERED AND ADJUDGED that:

The Defendant Chicago Regional Council of Carpenters, United Brotherhood of Carpenters & Joiners of America and its representatives, officers, agents, employees and attorneys and those persons in active concert or participation with them, is permanently enjoined from:

- a. Alleging Stevens Construction is bound by the 2004

Collective Bargaining Agreement.

- b. Arbitrating the Grievance.
- c. Filing or submitting to arbitration any dispute with Stevens Construction arising under or relating to the 2004 Collective Bargaining Agreement; and
- d. Threatening in writing, verbally, or in any manner, to pursue claims against Stevens Construction arising under or relating to the 2004 Collective Bargaining Agreement.

IT IS FURTHER ORDERED AND ADJUDGED

that the Defendant's counterclaims are dismissed upon their merits.

IT IS FURTHER ORDERED AND ADJUDGED

that this action is dismissed upon its merits and that the Plaintiff Stevens Construction Corp. is awarded its costs of this action.

Done and Ordered in Chambers at the United States Courthouse,  
Milwaukee, Wisconsin, this 25th day of October, 2005.

s/ Thomas J. Curran  
Thomas J. Curran  
United States District Judge